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September 15, 2016

VIA ELECTRONIC-FILING

The Honorable Christopher J. Burke
U.S. District Court for the District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3556

Re: *International Business Machines Corporation v. Groupon, Inc.*
C.A. No. 16-122-LPS-CJB

Dear Magistrate Judge Burke:

Per the Court's Oral Order of August 16, 2016, the parties jointly submit the following Case Management Submission Letter.

A. Description of the Case

Plaintiff International Business Machines Corporation ("IBM") filed this case on March 2, 2016. IBM alleges that Groupon, Inc. ("Groupon") infringes and/or willfully infringes U.S. Patent Nos. 5,796,967, 7,072,849, 5,961,601, and 7,631,346 (collectively the "patents-in-suit"), and seeks damages to compensate it for Groupon's alleged infringement of the patents-in-suit. Groupon answered IBM's complaint on August 15, 2016. Groupon denies any infringement and denies that IBM is entitled to any relief whatsoever, and alleges that the asserted patents are invalid and unenforceable, while raising additional defenses.

B. Parties' Positions on the Proposed Scheduling Order

IBM and Groupon have reached agreement on the joint Proposed Scheduling Order.

C. Most Significant Checklist Topics

The parties met and conferred regarding the Checklist Topics.

With respect to discovery issues, IBM stated that the core technical documents should include documents sufficient to show how the accused websites and mobile applications work, including but not limited to the generation and modification of hyperlinks and URLs, retrieval and storage of images and advertisements, and sign-on technology relating to Google and Facebook. Groupon responded that it intends to produce its core documents in accordance with the case schedule and based on the allegations in IBM's complaint. Groupon requested that IBM prioritize the production of settlement and license agreements relating to any of the patents-in-suit and that

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IBM provide any necessary third party notices of its intent to produce such agreements expeditiously.

With respect to related cases, the parties discussed the status of *International Business Machines Corporation v. The Priceline Group Inc., et al.*, No. 1:15-cv-00137-LPS-CJB (D. Del.). The parties discussed how that litigation might affect proceedings here, including discovery and claim construction.

With respect to a protective order, IBM agreed to draft a proposal and send that proposal to Groupon so that the parties could begin negotiating a joint submission.

Respectfully,

/s/ Bindu A. Palapura

Bindu A. Palapura

BAP:nmt/1233770/43155

Enclosures

cc: Clerk of the Court (via hand delivery)
Counsel of Record (via electronic mail)